

FIGHT FOR A FORTUNE

Daughter and Aunt Want Smith's Insurance.

(From Saturday's daily)

Twenty-five thousand dollars was the stake for which two women were battling in Judge Gear's court yesterday. The amount was the insurance carried by the late David B. Smith, proprietor of the Manufacturer's Shoe Co., in the Equitable Life Assurance Company of New York. The rival claimants to the estate are the daughter of the deceased, Mrs. Mame Burke, and an aunt, Mrs. Olivia Brown, of Indell county, North Carolina. Though the insurance company is the real defendant in the case, and is resisting the payment of the policy, it is only for the purpose of preventing its payment of to administrator of the estate of David more than one person.

The title of the case is Cecil Brown, Bowers Smith deceased vs. The Equitable Assurance Company of New York and Bruce Cartwright of this city, who is the local agent of the company and who is named in the petition as garnishee. The policy upon which the suit is brought was issued in Honolulu December 11th, 1897, and two years later, December 24th, 1899, Mr. Smith died. He had paid to the company in premiums during that time the sum of \$2469.25. When a demand was made for the payment of the policy in Honolulu it was refused, on the ground that the loss was payable in New York, and the contention here is that no demand had ever been made by Cecil Brown as administrator, for the payment of the \$25,000 in that city.

The defendant also claims that a demand had already been made in New York for the money by Olivia A. Brown, a resident of North Carolina, and that she had been appointed administrator in the surrogate court of New York May 11, 1900, and on July 23, 1900, began suit in the United States Circuit Court of the southern district upon the same policy. It appears that Mrs. Brown is an aunt of the deceased and bases her claim upon the allegation he was indebted to her in the sum of \$7,000 for money advanced to purchase his stock of goods in Honolulu, and she filed her claim upon the policy of \$25,000 as property within the state of New York, and consequently subject to the debt.

The following jury was impaneled to hear the case yesterday afternoon: Harry D. Austin, Lawrence H. Dee, James Oids, Jr., A. N. Almy, E. Buffan-deau, George P. Kluegel, E. J. Crawford, P. C. Bertelman, Geo. K. Fox, Ed. Dekum, J. R. Edwards and W. G. Ashley.

The evidence of the plaintiff establishing the death of the decedent, and also the fact that a demand had been made upon Bruce Cartwright, and that the proof of death had been forwarded to the head office was introduced. At the conclusion of the plaintiff's case defendant moved for a non-suit, upon the ground that it had not been shown that a demand had been made at New York previous to the commencement of the suit. Judge Gear refused to entertain the motion, holding that notice of proof of death was sufficient to constitute a demand, under the terms of the policy. Court then adjourned until Monday morning at which time the hearing of the case will be resumed. The attorneys for plaintiff are W. J. Robinson and Judge Whiting and Hatch and Sullivan represent defendant.

AH OI GETS HIS FREEDOM.
Ah Oi is the first of the transition period prisoners to get his freedom by writ of habeas corpus. Half a dozen different men were released by Judge Gear, but all were immediately re-arrested. Ah Oi was brought into court yesterday at noon, and High Sheriff Brown appearing in his own behalf, made a return admitting the facts set out in the petition. Attorney F. M. Brooks stated that the man was illegally held and should be released, but asked that the Grand Jury consider his case as soon as possible. The principal witness against Ah Oi, who was originally convicted of burglary, has suddenly disappeared, and the high sheriff stated that without him there was no case against the prisoner. He did not believe it to be advisable to bring the case to the attention of the grand jury, as there was no evidence against him. The court thereupon ordered the release of the prisoner, and he was allowed to leave the courthouse without molestation, no new warrant having been issued.

NOLLE PROSEQUI IN GILL CASE.
In the case of Edwin Gill, under indictment for assault with intent to kill Mortimer L. Stevens, a nolle prosequi was entered by Deputy Attorney General George W. Davis yesterday afternoon. Mr. Gill was present in court when the case was called up.

"The principal witness in this case has left the country," said the deputy attorney general, "and we cannot proceed to trial of the defendant on the indictment without him. For that reason I move that a nolle prosequi be entered."

"Hain't this witness been gone for some time?" asked the court.

"I was just informed of the facts today, your honor, and I don't think there can be a prosecution. I make this motion on my own responsibility, for I don't think there is any evidence besides that of the prosecuting witness."

Judge Gear then ordered that a nolle prosequi be entered upon the showing made by the attorney general's department. He stated that Judge Humphreys told him before leaving that the plea in abatement was still to be passed upon, but in view of the action of the attorney general this was unnecessary. "You will be discharged, therefore," said the court in conclusion, "from any further responsibilities under this indictment, and your bonds-men will be relieved from further liability."

COMMERCIAL.

THAT there cannot be much lower figures marked up in the stock market is the opinion of every one who has to do with the sugar shares which form the basis of trading just now. The fact that in the selling of the past week the shares offered have been taken mostly by insiders, gives the hope that the slump is at an end. The two mails which came from the Coast have had in them little of hope for the local market. There seems to be an absence of interest in Hawaiian matters at the Coast, owing perhaps to recent happenings. The Honolulu slump, while due to drought which is perfectly understood here seems to be incomprehensible to the investors on the Coast, and now they look askance at anything Hawaiian.

That there is much pocketing of losses on the Coast just now is shown by the deal which has given the control of Onomea back to C. Brewer & Co. When Broker Pollitz first wanted that stock he began to bid for it when the firm of Brewer & Co. did not want to sell at all. So it was that there was nothing doing until the bid reached a figure about \$27.50. At that a sale could not be resisted, and finally it was made, the amount involved being the control of the plantation. There was an immediate jumping at the bargain in San Francisco, but during the past few years there has been such depreciation in the stock that it has been the desire of Pollitz to resell. While here last he tried to get the old agents to buy the control off his hands, but there was not an offer. So it was that the firm of Brewer & Co. decided to purchase in the open market. This they did until they held above 25,000 shares. The price has not been made public but it is certain that the figure was not above the market which ruled about \$23, some purchases being made as high as \$23.50. This would mean that the transaction cost Pollitz and his friends something like \$100,000.

The deal in Kona will bring that plantation to the front. There has been authorized an issue of \$150,000 in common stock and \$100,000 in preferred stock. Of the latter issue there has been subscribed \$50,000 here. The bond issue which was originally placed at \$200,000, also was increased, the sum now being \$300,000. As the first bond issue was taken here the latest will be offered, with the new stock on the Coast, and the agents, McChesney & Sons, have assurances that the money will be forthcoming.

The local market was without any feature, the trading being of a mild nature. There was some slight selling of Ewa, the price going from \$25 to \$25.25, and latest sales of small lots being at that figure. The most noticeable change of the week was the selling of Olua, assessable from \$2 to \$1.50. There were some sales of the paid up at \$12. The list all along was fairly steady, there being less realization than formerly, despite the money market being still tight.

Taking the situation all in all, there seems to be more of promise here than the States. For instance returning travellers say that there is little money in San Francisco for the reason that the banks are busy in carrying their regular customers who are in bad shape owing to the strike. This leaves little money for the speculative interest and the shares market suffers accordingly. In the East the same condition is noted and the tightness there leaves little hope that there will be any help for the Eastern banks, and with this view there is a steady husbanding of resources here, and the farthest seeing of the brokers say that the first relief will be that which will come from the earning qualities of the plantations which will remedy the tightness.

REAL ESTATE AND BUILDING.

The real estate market is not responding to the recovering strength of the stock market, though there is slight demand for small lots for residences in the suburbs. This is noticeable in Kailua on the reports that the extension of the Rapid Transit road into that district is imminent. The feeling in business property is as strong as ever but there is little doing.

There is little new building underway. The plans for the Hall building are out and show an attractive structure. There are alternative bids, one for terra cotta, and the other for stucco. If Architect Traphagen can get the men he wants to do the stucco work he will have the latter set of plans adopted but in case this is impossible the terra cotta front will be used. In either case the building will be a most attractive one, and one which will be an addition to Fort street structures, and a credit to the architect. As to the building at Hotel and Alakes there has been no decision reached as yet. The proposed builders have not decided upon their building, as it will depend very much upon the tenants who come to the front for the rooms.

INDICTMENTS RETURNED.

The grand jury made a partial report yesterday at noon, bringing in six indictments. Three separate charges are made against each of the four Kahuku rioters—Yamane Nenchiro, Chida Manzaburo, Osaki Mankicho, Iharo Ichigoro. Each of these men is charged with murder in the first degree on three different indictments, each time a different Chinese being named. An indictment for murder in the first degree was also returned against George Wade, the negro who killed Gillespie, steward on board the Australia.

An indictment was also brought against George Bolabolo, a native, on the charge of larceny in the second degree. He was brought into court in the afternoon and entered a plea of guilty. He was charged with stealing three hundred pounds of coal from the United States government, and in view of the offense, Mr. Davis asked the court to be as lenient as possible. When asked if he had anything to say why sentence should not be passed, the prisoner offered to apologize, and said he was "hungry and in pilliki, which was the reason he stole." The court imposed a sentence of ten days in jail.

The Kahuku prisoners were then arraigned, and the indictment read to them in one case. They all refused to plead, upon the advice of Attorney Brooks, who is defending them. Wade also refused to enter a plea to the indictment.

Mr. Brooks may make another attempt to secure the release of the Kahuku rioters on writs of habeas corpus. He may claim that they were placed in jeopardy once already, according to the decision of the Supreme Court, and could ask that body for an order restraining the Circuit Court from allowing another trial. It is also alleged that the indictment is defective for several reasons. One claim is that they can not be indicted two years after the commission of the crime under section 615 of the penal code, but Judge Gear does not believe that that clause holds good in these cases. The section is as follows:

"615. In all cases of offenses against the laws of this Territory, triable only by a court of record, the accused shall be arraigned and prosecuted by an indictment by a legal prosecutor of the Republic as soon after the commission of the offense of which he is accused as may be expedient; provided, always, that the presentation of an indictment against an accused shall not be deferred beyond the term of the court having jurisdiction of the alleged offense next succeeding the commitment of the accused for trial by a magistrate having competent jurisdiction thereof."

Attorney Brooks does not believe that the men can be convicted even if they are brought to trial, as the witnesses are very much scattered. Another series of habeas corpus fights may be indulged in by the attorneys over these prisoners, who have been indicted for a second time.

CLEARING THE CALENDAR.

Judge Gear made a decided clearing out of the calendar yesterday morning, and it now appears that it was not so congested a condition as was the general notion. When court convened yesterday morning, not a single case was ready for trial, and there was a general skirmishing among the attorneys when the court announced that all cases marked ready, which were not ready, would go to the bottom of the calendar. It developed also that some twenty or thirty Chinatown insurance cases were likely to be thrown out upon decision of the Supreme Court. Judge Stanley, who is counsel in a half dozen of these insurance cases, announced that he would dismiss them, and two were ordered stricken from the calendar. The court announced that hereafter five cases must always be ready for trial every

California grape growers expect the highest price for their product for years.

A hundred union carpenters at Los Angeles refused to work with non-union men.

GRAND AND PETIT JURORS

Drawn for United States District Court.

(From Saturday's daily.)

Grand and petit jurors for the October term of the United States Court were drawn yesterday afternoon by order of Judge Estee. Twenty-three grand jurors were named and twenty-four petit jurors, Clerk Mailing drawing each name from a large number of prepared slips. The jurors are ordered to report at ten o'clock a. m. of the second Monday in October.

There are at least half a dozen men on the Federal Juror who are now serving on the panel in Circuit Court, and they will just about conclude their labors before Judge Gear when called upon by Judge Estee for service. Among the number drawn was the name of Marcus Colburn, whom the Marshal stated was dead. He was not certain, but what there might be a son living of the same name, and the court allowed the name to remain on the grand jury panel, holding that if the man is dead this fact should be proven when his name is called at the opening of court.

One of the other jurors was reported as being in San Francisco but the court allowed this name to remain upon the panel also, stating that the proper time for these matters to be shown was when the jury is called. Half a dozen of the men are said to be in the States. The Federal juries are drawn by chance from names which have been written on separate slips of paper. The drawing was made in open court by the clerk of the court, and in the presence of Judge Estee and the United States District Attorney.

The petit jury drawn yesterday is of more than usual importance because of the fact that it may possibly be called upon to fix the value of the land taken by the United States for the use of the Pearl Harbor naval station. If Judge Estee should allow the condemnation cases to go to a jury, these men drawn yesterday may anticipate a service of several months duration.

The grand jury, so far as has developed, will have very little work to do at the coming session of court. The seamen who have been committed for offenses upon the high seas, have in most cases pleaded guilty and served out their sentences, and there are but one or two of the long list of offenders still to be tried.

The following are the names as drawn yesterday:

PETIT JURY.

J. F. Morgan, Chas. M. Cooke, John Ross, J. S. Martin, Honolulu; J. T. Brown, Hilo; Wm. W. Chamberlain, J. A. Byrne, R. N. Boyd, W. G. Ashley, D. E. Whitman, J. A. Hughes, Hilo; Wm. T. Baldwin, Hilo; W. T. Hopper, J. F. Bowler, J. T. Copeland, Harry F. Davison, J. G. Rothwell, H. F. Singer, Honolulu; C. H. Willis, Hanalei, Kauai; T. W. Hobron, Honolulu, L. S. Canario, Hilo; George T. McLeod, R. W. Duncan, Edward Dekum, Honolulu.

GRAND JURY.

Thomas McGuire, David L. Conkling, H. J. Craft, Douglas Collins, J. H. McDonough, Frank Brown, Honolulu; J. T. Stockell, Hilo; Patrick Cockett, Wailuku, Maui; H. M. Almy, James D. Tregloan, S. L. Shaw, J. T. Crawley, Honolulu; Frank T. Ferreira, Hilo; Duncan R. Murdoch, Ewa; James McQueen, George H. Paris, Marcus Colburn, C. H. Brown, A. J. Campbell, Honolulu; Joseph Cook, Hilo; George H. Angus, Alvin M. Campbell, Honolulu; Wm. Reinhardt, Hilo.

JURY IN PEARL HARBOR CASE.
Amended answers and demands for juries were filed by the respondents in the condemnation proceedings yesterday, by the Honolulu Plantation Company, The Dowsett Company, Oahu Sugar Company, and Oahu Railway and Land Company.

The following is the demand for jury which will be presented Monday, September 24th:

"Now comes the Dowsett Company, limited, one of the defendants in the above entitled cause, and demands a jury trial of the matters in issue in said cause, and moves the court that said cause be placed upon the calendar of causes to be tried before the jury, at the next, October, term of this court."

A COMMUNICATION.

Mr. Editor—Allow me to speak a few words in favor of Chamberlain's Cough Remedy. I suffered for three years with the bronchitis, and could not sleep at nights. I tried several doctors and various patent medicines, but could get nothing to give me any relief until my wife got a bottle of this valuable medicine, which has completely relieved me. W. S. Brockman, Bagnell, Mo., U. S. A. This remedy is for sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaiian Territory.

FIELD DAY EXERCISES.

Field day will be observed by the Hawaiian National Guard some time during the latter part of next month, at a date still to be decided upon. The preliminary arrangements were made at a special meeting of the officers held yesterday morning at the club.

The affair will be under the control of Col. J. W. Jones in person, and will be held at some place along the railroad line.

The usual maneuvers with small arms and field pieces will take place, and a sham battle is possible.

All the companies in the regiment will take part, and it is likely that the company at Hilo will come over for the field exercises.

A report was also made by the committee appointed to look after the improvements at the rifle range.

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Complete External and Internal Treatment for Every Humour,

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the severest humours, with loss of hair, when all else fails. Sold throughout the world. "All about the Skin, Scalp, and Hair," post free, of Aust. Depot, H. Towns & Co., Sydney, N.S.W. So. African Depot: LEXKON LTD., Cape Town. POTTER DRUG AND CHEM. CO., Sole Props., Boston, U. S. A.

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DR. J. COLLIS BROWNE'S CHLORODYNE.—Vice Chancellor SIR W. PAGE WOOD stated publicly in court that DR. J. COLLIS BROWNE was undoubtedly the INVENTOR OF CHLORODYNE; that the whole story of the defendant, Freeman, was deliberately untrue, and he regretted to say it had been sworn to. See the Times, July 18, 1864.

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Dr. Gibbon, Army Medical Staff, Calcutta, states: "Two doses completely cured me of diarrhoea."

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NIPPON MARU	OCT. 4	AMERICA MARU	OCT. 1
PERU	OCT. 12	PEKING	OCT. 15
COPTIC	OCT. 22	GALIC	OCT. 23
AMERICA MARU	OCT. 30	HONGKONG MARU	NOV. 1
PERU	NOV. 7	CHINA	NOV. 9
PEKING	NOV. 14	DORIC	NOV. 19
HONGKONG MARU	NOV. 22	NIPPON MARU	NOV. 24
CHINA	NOV. 26	PERU	DEC. 1
DORIC	DEC. 10	COPTIC	DEC. 1
NIPPON MARU	DEC. 18		

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